

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 2—Health Requirements for Movement of  
Livestock, Poultry and Exotic Animals**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Agriculture under section 267.645, RSMo 2000, the director withdraws a rule as follows:

**2 CSR 30-2.010** Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2263-2264). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** The acting state veterinarian received one (1) written comment on the proposed amendment.

**COMMENT:** Dr. Robert L. Fischer, Area Veterinarian in Charge—Missouri, with the United States Department of Agriculture, Veterinary Services commented that our regulations should conform with national Uniform Methods and Rules on Tuberculosis and Brucellosis which would allow for maximum protection against tuberculosis and brucellosis for the Missouri Cervidae industry and would make Missouri consistent with national policy.

**RESPONSE:** Suggestion will be taken and (13)(D) will be consistent with national Uniform Methods and Rules on Tuberculosis and Brucellosis.

**COMMENT:** Further administrative review of the proposed amendment resulted in change of terminology to be more consistent with the Uniform Methods and Rules on Tuberculosis and Brucellosis for Captive Cervids.

**RESPONSE:** The director of the Department of Agriculture is withdrawing this rulemaking because further comments have been received expressing increasing concerns with emerging elk diseases.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 2—Health Requirements for Movement of  
Livestock, Poultry and Exotic Animals**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Agriculture under section 267.645, RSMo 2000, the director withdraws a rule as follows:

**2 CSR 30-2.040** Animal Health Requirements for Exhibition is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2265-2266). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** The acting state veterinarian received one (1) written comment on the proposed amendment.

**COMMENT:** Dr. Robert L. Fischer, Area Veterinarian in Charge—Missouri, with the United States Department of Agriculture, Veterinary Services commented that our regulations should conform with national Uniform Methods and Rules on Tuberculosis and Brucellosis which would allow for maximum protection against tuberculosis and brucellosis for the Missouri Cervidae industry and would make Missouri consistent with national policy.

**RESPONSE:** Suggestion will be taken and (9)(D) will be consistent with national Uniform Methods and Rules on Tuberculosis and Brucellosis.

**COMMENT:** Further administrative review of the proposed amendment resulted in change of terminology to be more consistent with the Uniform Methods and Rules on Tuberculosis and Brucellosis for Captive Cervids.

**RESPONSE:** The director of the Department of Agriculture is withdrawing this rulemaking because further comments have been received expressing increasing concerns with emerging elk diseases.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 6—Livestock Markets**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Agriculture under section 277.160, RSMo 2000, the director withdraws a rule as follows:

**2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2267–2268). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The acting state veterinarian received one (1) written comment on the proposed amendment.

COMMENT: Dr. Robert L. Fischer, Area Veterinarian in Charge—Missouri, with the United States Department of Agriculture, Veterinary Services commented that our regulations should conform with national Uniform Methods and Rules on Tuberculosis and Brucellosis which would allow for maximum protection against tuberculosis and brucellosis for the Missouri Cervidae industry and would make Missouri consistent with national policy.

RESPONSE: Suggestion will be taken and (7)(D) will be consistent with national Uniform Methods and Rules on Tuberculosis and Brucellosis.

COMMENT: Further administrative review of the proposed amendment resulted in change of terminology to be more consistent with the Uniform Methods and Rules on Tuberculosis and Brucellosis for Captive Cervids.

RESPONSE: The director of the Department of Agriculture is withdrawing this rulemaking because further comments have been received expressing increasing concerns with emerging elk diseases.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors  
Chapter 5—Examinations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors under sections 327.041, RSMo Supp. 2001 and 327.241 and 327.251, RSMo 2000, the board amends a rule as follows:

**4 CSR 30-5.105 Reexamination—Engineers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2269). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors  
Chapter 5—Examinations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors under

section 327.041, RSMo Supp. 2001, the board rescinds a rule as follows:

**4 CSR 30-5.110 Standards for Admission to Examination—Land Surveyors is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2269). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors  
Chapter 5—Examinations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors under sections 327.041 and 327.314, RSMo Supp. 2001 and 327.312, RSMo 2000, the board adopts a rule as follows:

**4 CSR 30-5.110 Standards for Admission to Examination—Professional Land Surveyors is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2270). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors  
Chapter 11—Renewals**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors under sections 327.041, RSMo Supp. 2001 and 327.261, RSMo 2000, the board adopts a rule as follows:

**4 CSR 30-11.015 is adopted.**

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2270–2275). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Twelve comments were received.

COMMENT: Several commenters suggested that continued professional competency for professional engineers would be cost prohibitive.

RESPONSE: There are many opportunities for getting Professional Development Hours (PDHs). For instance, most professional organizations (Missouri Society of Professional Engineers (MSPE), American Society of Mechanical Engineers (ASME), and others) will have seminars and other sessions that will be acceptable. Also, seminars, professional sessions or other in-house courses provided by places of employment will be considered. Internet study guides, televised or videotaped courses and other self-study guides will also be considered. In light of all available opportunities, there will be no financial waivers granted. No changes were made in response to the comments.

COMMENT: One commenter stated that the estimated public entity cost is significantly underestimated. With nearly 16,000 licensed professional engineers, there will be significant effort required to review the documentation submitted.

RESPONSE: The review of documentation will be performed on a sampling basis and will not be done on all licensed professional engineers. Thus, the cost is appropriately stated. No change was made in response to the comment.

COMMENT: One commenter requested a waiver from obtaining PDHs because of a disability.

RESPONSE: There are alternative media guides for obtaining PDHs. Internet study guides, videotapes and other self-study guides will also be considered. Additionally, a licensee may choose to have his license placed in an inactive status until such time that the PDHs are accumulated (Chapter 327.271, RSMo). However, a person whose license is inactive shall not offer or practice professional engineering in the state of Missouri but may continue to use the title "professional engineer" or the initials "P.E." after such person's name. No changes were made in response to the comment.

COMMENT: One commenter stated that continued education would not benefit the profession.

RESPONSE: The board will be following the "Model" developed by the National Council of Examiners for Engineers and Surveyors (NCEES) for continuing education units. Missouri will follow the Model to ensure that when professional engineers transfer to another state their credits will be consistent with their requirements. For information purposes, as of 1999 there were 19 states that have the Continued Professional Competence (CPC) requirement with five others in the process of having rules and regulations developed for the process with Missouri being one of those states. Additionally, the board received information from the National Council of Examiners for Engineers and Surveyors (NCEES) that in 1999, a survey indicated that 7 of the states that had continued professional competency may have reduced the number of licensees but in many cases it was persons that were no longer in active practice. Also, it appears there has been a reduction in most states with the number of violations and complaints. No change was made in response to the comment.

COMMENT: One commenter requested pre-approval of credits for obtaining PDHs.

RESPONSE: The engineering profession is too broad to pre-approve credits and will be done on a case-by-case basis. No change was made in response to the comment.

COMMENT: A commenter asked why this regulation was proposed.

RESPONSE: Missouri Society of Professional Engineers (MSPE) as well as other professional societies have been promoting the Continued Professional Competence (CPC) requirement and push-

ing for legislation for many years. No change was made in response to the comment.

COMMENT: A commenter asked if there would be a six-month grace period in which to obtain credits.

RESPONSE: No grace period will be allowed. No changes were made in response to the comment.

COMMENT: A commenter requested a certain number of PDHs for teaching of qualified materials, for publishing articles, papers and books and for active participation in professional or technical societies.

RESPONSE: The board will be following the "Model" developed by the National Council of Examiners for Engineers and Surveyors (NCEES) for continuing education units to ensure that when professional engineers transfer to another state their credits will be consistent with their requirements. No changes were made in response to the comment.

COMMENT: Two commenters asked for clarification on how long the PDU records should be maintained.

RESPONSE: The board is requiring the retention of records for four (4) years for auditing purposes. Any licensee who completes more than thirty (30) professional development hours within the preceding two (2) calendar years may apply the excess, which is not to exceed fifteen (15) hours, to the requirement for the next two (2)-year period. If the records are not maintained for at least four years, proving the excess PDHs would be nearly impossible. No changes were made in response to the comment.

COMMENT: A commenter made comments mostly editorial in nature.

RESPONSE: The board noted the following recommended changes. On page 2273, Table of Personal Service costs, the Executive Director's cost per audit should be \$36.67. On page 2273, last paragraph, next to the last line, the word "biennially" should be changed to "biennial". Lastly, on page 2275, last paragraph, change the word "beinnially" to "biennially".

COMMENT: A commenter stated his concern that it might deter young engineers from becoming licensed.

RESPONSE: The board received information from the National Council of Examiners for Engineers and Surveyors (NCEES) that in 1999 a survey indicated that 7 of the states that had continued professional competency may have reduced the number of licensees but in many cases it was persons that were no longer in active practice. Also, it appears there has been a reduction in most states with the number of violations and complaints. No changes were made in response to the comment.

COMMENT: A commenter requested a waiver for serving in the military during the renewal period.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed this comment and decided to amend subsection (1)(D) as follows. This change also prompted the board to define the term PDH in subsection (1)(A).

#### **4 CSR 30-11.015 Continuing Professional Competency for Professional Engineers**

(1) Purpose.

(A) Effective December 31, 2004, as a condition for renewal of an engineering license issued pursuant to section 327.261, RSMo a licensee shall have successfully completed thirty (30) professional development hours, as defined by this regulation, within the two (2) immediately preceding years (renewal period). Any licensee who completes more than thirty (30) professional development hours within the preceding two (2) calendar years may apply the excess, not to exceed fifteen (15) hours, to the requirement for the next two (2)-year period.

(D) If the licensee served honorably on full-time active duty in the military, the licensee may renew his/her license without completing the PDH requirement for the renewal period during which the licensee served.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 2—Cosmetology Schools**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Cosmetology under sections 329.040, 329.050 and 329.210, RSMo Supp. 2001 and 329.120 and 329.230, RSMo 2000, the board amends a rule as follows:

**4 CSR 90-2.010 Schools is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 14). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 2—Cosmetology Schools**

**ORDER OF RULEMAKING**

By the authority vested in the state Board of Cosmetology under sections 329.040 and 329.210, RSMo Supp. 2001 and 329.230, RSMo 2000, the board amends a rule as follows:

**4 CSR 90-2.020 Manicuring Schools is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 14). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 2—Cosmetology Schools**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Cosmetology under sections 329.040 and 329.210, RSMo Supp. 2001 and 329.230, RSMo 2000, the board amends a rule as follows:

**4 CSR 90-2.030 Esthetic Schools is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 14-15). No changes have been made to the text of the proposed amendment, so it is not reprinted here.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 4—Beauty Shops**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Cosmetology under sections 329.110.2 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 90-4.020 Practice Outside of or Away from Beauty Shops is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 15). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 8—Training Hours**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Cosmetology under sections 329.040 and 329.210, RSMo Supp. 2001 and 329.230, RSMo 2000, the board amends a rule as follows:

**4 CSR 90-8.010 Hours is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 15). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 12—Instructor Trainees**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Cosmetology under sections 329.120 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 90-12.080 Renewal Requirements for Instructor License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 15-16). No changes have been made to the text of the proposed amendment, so it is not reprinted here.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 90—State Board of Cosmetology  
Chapter 13—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Cosmetology under sections 329.120 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2001, the board adopts a rule as follows:

4 CSR 90-13.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2002 (27 MoReg 16). Changes have been made to the title of the proposed rule and the authority section, so they are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received. However, upon the board's review of the proposed rule, the board changed the title of the rule to include a change of name and corrected the authority section of the rule.

**4 CSR 90-13.070 Change of Name and Mailing Address**

*AUTHORITY: sections 329.120 and 329.230, RSMo 2000 and 329.210, RSMo Supp. 2001. Original rule filed Nov. 30, 2001.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 110—Missouri Dental Board  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031.3, RSMo 2000, the board amends a rule as follows:

4 CSR 110-2.170 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 100-103). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 110—Missouri Dental Board  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031, RSMo 2000, 332.181 and 332.261, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 110-2.240 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 104-105). The section with changes to the proposed amendment is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received; however, the board noted that due to a typographical error in section (2)(C) the word "year" at the end of the sentence was placed inside a bracket for deletion that should have not been deleted. A change has been made to subsection (2)(C) to correct this error and it is reprinted here.

**4 CSR 110-2.240 Continuing Dental Education**

(2) In order to renew a license, each dentist shall submit satisfactory evidence of completion of fifty (50) hours of continuing education during the two (2)-year period immediately preceding the renewal period and each dental hygienist shall submit satisfactory evidence of completion of thirty (30) hours of continuing education during the two (2)-year period immediately preceding the renewal period. Any hours acquired beyond the required number may be carried forward into the next time block not to exceed twenty-five (25) hours for dentists and fifteen (15) hours for dental hygienists. Of the fifty (50) hours required for dentists, not less than forty (40) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient. Of the thirty (30) hours required for dental hygienists, not less than twenty-five (25) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient. One (1) hour of continuing education shall be granted for every fifty to sixty (50-60) minutes of contact (either academic or clinical) instruction.

(C) A credential dental licensee will only be required to obtain twenty-five (25) hours of continuing education in order to renew if the individual became licensed during the second year of the time block. A credential hygiene licensee will only be required to obtain fifteen (15) hours of continuing education in order to renew if the individual became licensed during the second year of the time block.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 205—Missouri Board of Occupational Therapy  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.065 and 610.010-610.200, RSMo 2000 and Supp. 2001, the board rescinds a rule as follows:

**4 CSR 205-1.030 Policy for Release of Public Records is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2002 (27 MoReg 18). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 205—Missouri Board of Occupational Therapy  
Chapter 3—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.056, 324.065, 324.068, 324.071, RSMo 2000 and 324.086, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 205-3.010** Application or Licensure as an Occupational Therapist is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 18). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 205—Missouri Board of Occupational Therapy  
Chapter 3—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.050, 324.056, 324.065, 324.068, 324.071, RSMo 2000, and 324.086, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 205-3.020** Application for Licensure as an Occupational Therapy Assistant is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 18). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 210—State Board of Optometry  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under sections 336.080 and 336.160.1, RSMo 2000, the board amends a rule as follows:

**4 CSR 210-2.030** License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 105). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 210—State Board of Optometry  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under section 336.160, RSMo 2000, the board amends a rule as follows:

**4 CSR 210-2.070** Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 105–106). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.140, RSMo 2000, 338.220, RSMo Supp. 2001 and the Omnibus State Reorganization Act of 1974 (Appendix B), the board amends a rule as follows:

**4 CSR 220-2.020** Pharmacy Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 18–19). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.140, 338.240 and 338.280, RSMo 2000 and 338.210 and 338.220, RSMo Supp. 2001, the board adopts a rule as follows:

**4 CSR 220-2.650** is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2002 (27 MoReg 19). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: One (1) comment was received from the National Association of Chain Drug Stores. The comment applauded the Board of Pharmacy for its progressive proposal that should encourage pharmacies to take advantage of central fill and processing technology. However, the commenter was concerned about (1)(B) "There must be separate and distinct record keeping systems between shared service pharmacies....." The commenter felt this language was open to various interpretations and should be clarified by the Board.

RESPONSE AND EXPLANATION OF CHANGE: The board disagreed with the comments. However, after review of the entire rule along with the comment received, it was the board's opinion that the sentence in question, as well as other areas of the rule, could be clarified further by the addition and/or deletion of certain words. The board made minor changes to the rule as indicated in this order of rulemaking.

#### **4 CSR 220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy**

(1) Class J: Shared Services: Shared Service Pharmacy is defined as the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order, or that performs or assists in the performance of functions associated with the dispensing process, drug utilization review (DUR), claims adjudication, refill authorizations, and therapeutic interventions.

(A) A pharmacy may perform or outsource centralized prescription processing services provided the parties:

1. Have the same owner, or have a written contract outlining the services to be provided and the responsibilities and accountabilities of each party in fulfilling the terms of said contract in compliance with federal and state laws and regulations;
2. Maintain separate licenses for each location involved in providing shared services; and
3. Share a common electronic file to allow access to sufficient information necessary or required to fill or refill a prescription drug order.

(B) There must be record keeping systems between shared service pharmacies with real time on-line access to shared services by both pharmacies. Transfer of prescription information between two (2) pharmacies that are accessing the same real-time, on-line database pursuant to the operation of a shared service pharmacy operation shall not be considered a prescription transfer and, therefore, is not subject to the requirements of 4 CSR 220-2.120.

(C) The parties performing or contracting for centralized prescription processing services shall maintain a policy and procedures manual and documentation that implementation is occurring in a manner that shall be made available to the board for review upon request and that includes, but is not limited to, the following:

1. A description of how the parties will comply with federal and state laws and regulations;
2. The maintenance of appropriate records to identify the responsible pharmacist(s) in the dispensing and counseling processes;
3. The maintenance of a mechanism for tracking the prescription drug order during each step in the process;
4. The provision of adequate security to protect the confidentiality and integrity of patient information;
5. The maintenance of a quality assurance program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care and resolve identified problems.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements**

##### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2 and 334.850(2), (4), (6), RSMo 2000 and 334.870, RSMo Supp. 2001, the board amends a rule as follows:

##### **4 CSR 255-2.010 Application for Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2404). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements**

##### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2 and 334.850(2), RSMo 2000 and 334.890.2 and 3, RSMo Supp. 2001, the board amends a rule as follows:

##### **4 CSR 255-2.020 Application for Temporary Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2404–2405). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 255—Missouri Board for Respiratory Care Chapter 2—Licensure Requirements**

##### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board for Respiratory Care under sections 334.800, 334.840.2 and 334.850, RSMo 2000 and 334.890.1 and 3, RSMo Supp. 2001, the board amends a rule as follows:

##### **4 CSR 255-2.030 Application for an Educational Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 17, 2001 (26 MoReg 2405). No changes have been made to the text of the proposed amendment, so it is not reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 800—Teacher Certification and Professional  
Conduct and Investigations**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 168.011, 168.021, 168.071, 168.081, 168.400, 168.405 and 168.409, RSMo 2000, the board amends a rule as follows:

5 CSR 80-800.360 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2290–2291). One change has been made in the text of the proposed amendment and is reprinted here for clarity. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received forty-nine (49) written comments regarding the proposed amendment, from legislators, parents, teachers, private schools, and Missouri NEA.

COMMENT: All 49 of the comments from legislators, parents, teachers, private schools, and Missouri NEA received were supportive of the proposed language to allow approved teaching experience for those employed in schools using the expanded description of the approving or accrediting agencies and their affiliates.  
RESPONSE: No change was made to the proposed amendment.

COMMENT: One comment was received from the Missouri National Education Association (MNEA) expressing concern for the language in section (13)(A) requiring an individual to have a bachelor's degree or higher in order to qualify for a provisional certificate. It was thought that a candidate might be caught between the requirement of the rule and the requirement in some institutions that candidates successfully complete the designated assessment for certification in order to satisfy degree requirements. The comment also supported the language allowing individuals participating in post-baccalaureate or alternative professional education programs to receive a provisional certificate of license to teach.

RESPONSE AND EXPLANATION OF CHANGE: The board has carefully reviewed the comments and amends section (13)(A) by deleting the phrase "a bachelor's or higher degree and" from the text. It has been determined that the intent of this section of the rule can be accomplished with the remaining language.

**5 CSR 80-800.360 Certificate of License to Teach  
Classifications**

(13) Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause. Provisional certificates of license to teach may be issued in the following situations:

(A) The individual has completed the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s) designated by the board;

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 805—Teacher Education**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 161.097, 168.011, 168.021 and 168.081, RSMo 2000, the board adopts a rule as follows:

5 CSR 80-805.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 3, 2001 (26 MoReg 2291–2296). Those sections with changes are reprinted here for clarity. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received four (4) written comments.

COMMENT: Two (2) comments from faculty members at the University of Missouri–Columbia suggested revising definitions to include language addressing non-conventional rather than non-traditional programs and students in order to make the language more consistent with the rest of the rule. Comments also suggested that having language pertaining both to innovative programs and alternative programs was unnecessary and the rule should only address alternative programs. The comments also stated a lack of rationale for not allowing the areas of early childhood education, elementary education and special education to be included among the alternative program offerings. It was further indicated that the requirement of having previous work experience placed an unnecessary requirement on potential participants and the programs involved.

RESPONSE AND EXPLANATION OF CHANGE: The board has carefully considered the comments and changed subsections (1)(A) and (1)(E) to include language addressing non-conventional rather than non-traditional programs and students in order to make the language more consistent with the rest of the rule. It has been determined that the sections of the proposed rule having to do with innovative programs are necessary to provide some flexibility for program approval. Subsection (2)(A) has been deleted from the proposed rule. An institution should have the capability of developing alternative programs for any certification area for which it has state approval. Subsection (4)(E) has been deleted from the proposed rule. It is assumed that the faculty at the institution offering the alternative program can determine whether or not a potential candidate has kept current in the area of his degree.

COMMENT: A faculty member from Harris-Stowe State College stated several concerns regarding the concept of alternative professional education programs, and specifically suggested that a "sunset provision" should be placed on the date of the degree required for participation in an alternative program.

RESPONSE: The Department carefully considered the comment and no additional change to the proposed rule was made.

COMMENT: An assistant superintendent in the Fort Osage School District stated that the language in the proposed rule regarding qualifications of participants in alternative professional education programs should be made more compatible with the qualifications for the Temporary Authorization Certificate.

RESPONSE AND EXPLANATION OF CHANGE: The Department carefully considered the comment, which contributed to the rationale for the change made to subsection (4)(E).

**5 CSR 80-805.030 Innovative and Alternative Professional Education Programs**

(1) For purposes of this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Alternative program. A program for the preparation of professional school personnel that provides a curriculum for non-conventional candidates enabling them to meet the requirements for state certification;

(B) Conceptual framework. The rationale and organizing principles that guide the development of the knowledge base, structure, operation, curriculum and accountability for a professional education program;

(C) Conventional program. A program for the preparation of professional school personnel incorporating a four (4)-year plan of general education, content and professional studies and designed for candidates who enter college upon graduation from high school;

(D) Innovative program. A program for the preparation of professional school personnel that incorporates innovative ways of delivering an institution's prescribed curriculum (ex. field-based instruction, distance learning via telecommunications or Internet, etc.); and/or

(E) Non-conventional candidate. An individual enrolled in a program of instruction at a college or university who has not followed a path of continued enrollment from high school. A non-conventional candidate is typically more than twenty-five (25) years of age.

(2) An institution of higher education having state-approved conventional professional education programs qualifying candidates for a Missouri certificate of license to teach may also offer innovative or alternative programs leading to a certificate of license to teach.

(A) An institution seeking to offer an alternative certification program must have a conventional Department of Elementary and Secondary Education (DESE) approved professional education program in the same area of certification existing at its home campus.

(B) An institution seeking to offer an innovative or alternative professional education program shall submit a proposal to the Teacher Education Section at DESE addressing the elements discussed in this section. Only those programs which DESE determines to have merit and potential for providing quality preparation for candidate certification will be considered for approval. The proposals should include at a minimum the following elements:

1. A description of the proposed program based upon a statement of the purpose and objectives for an area of the public school curriculum and a statement of the nature of the proposed program that is consistent with those objectives, the mission of the institution, and the conceptual framework for the professional education unit. These statements shall be collaboratively prepared and shall be based on analyses of current practices and trends in the identified area of the public school curriculum;

2. A clearly formulated statement of the competencies for educators in the identified area of the public school curriculum. These competencies shall include subject knowledge and professional skills based upon current research and practice and shall include the competencies for educators identified in standards for professional education programs adopted by the State Board of Education (the board);

3. A curriculum matrix delineating the courses and supervised field experiences prescribed to address competencies appropriate for a beginning teacher candidate to meet state certification requirements, a description of the process by which the candidates will be prepared, and provisions for assessing candidates and keeping records of their progress through the program;

4. Identification of the administrative structure of the proposed program indicating that responsibility for the program is

vested in the professional education unit of the institution. Institutions shall designate the appropriate department, division, school, or college within the institution to act within the framework of general institutional policies on all matters relating to such programs;

5. Clearly identified human and physical resources to support the program. The continuing availability of the resources shall be assured for the duration of the program. Any resources not under the control of the institution shall be defined and confirmed by the controlling agency; and

6. A written plan for the continuing evaluation of the proposed program including definition and specification of the kinds of evidence that will be gathered and reported to the institution and the state education agency at designated intervals. Evaluation reports shall provide information to identify areas in the program that need to be strengthened and/or to suggest new directions for program development.

(C) Innovative and alternative programs shall abide by and be evaluated according to the Missouri standards for professional education programs included in rules promulgated by the board.

(4) Candidates meeting certain criteria may be accepted into an alternative certification program offered by a Missouri college or university. These criteria include:

(E) The candidate shall participate in a structured interview conducted by the teacher education institution to assess the candidate's beliefs regarding the nature of teaching, the nature of students and the mission and goals of education as a profession. The interview should be utilized for screening, diagnostic and advising purposes;

(F) The candidate shall complete coursework, which addresses adolescent development, psychology of learning, and teaching methodology in the content area, prior to receiving provisional certification and entering a public school classroom;

(G) Upon successful completion of the coursework outlined in the previous subsection, the candidate will enter into a four (4)-party contract with the recommending college or university, the employing Missouri school district, and DESE. Candidates will receive a two (2)-year provisional certificate of license to teach and shall:

1. Be assigned by the school district a mentor who teaches the same subject and approximately the same grade level to observe and work with the candidate while s/he is teaching during the school day until the candidate completes the alternative program;

2. Receive any additional assistance, as determined by the college or university, until the candidate completes the alternative program;

3. Participate in the employing district's professional development programs;

4. Participate in the district's Performance-Based Teacher Evaluation (PBTE) program; and

5. Continue professional growth to include thirty (30) clock-hours of in-service training as defined in criteria established by the board; and

(H) The candidate shall complete at least eight (8) semester hours of professional education coursework no later than the summer following the awarding of the provisional certificate.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 25—Fiscal Management  
Chapter 2—Purchase of Service Contracting**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo Supp. 2001, the director amends a rule as follows:

**9 CSR 25-2.505 Protest and Appeal Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 109–110). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments have been received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.817, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-1.090 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 121). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 4—Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-4.400 Occupational Licensure Levels is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 121). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 4—Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800 and 313.850, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-4.410 Identification Badge Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on

January 16, 2002 (27 MoReg 121–122). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 4—Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.800 and 313.850, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-4.420 Occupational License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 122). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-5.290 Bingo Games is adopted.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 122–123). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures;  
Audits**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.825, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-8.050 Standard Financial and Statistical Reports is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 128). No changes have been made

in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 12—Liquor Control**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000 and 313.840, RSMo Supp. 2001, the commission amends a rule as follows:

**11 CSR 45-12.090 Rules of Liquor Control is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 128). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 13—Hearings**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.052, 313.560, 313.800 and 313.805, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-13.070 Transmittal of Record and Recommendation to the Commission is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 128-129). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

**13 CSR 73-2.015 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 19-20). No changes have been made in the text of the proposed amendment, so it is not reprinted here.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Health Care Association complimented the Board for moving quickly and making the necessary changes when issues developed involving the state portion of the examination.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

**13 CSR 73-2.070 Examination is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2002 (27 MoReg 20). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Health Care Association complimented the Board for moving quickly and making the necessary changes when issues developed involving the state portion of the examination.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.200 Purpose and Structure is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 141). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.200 Purpose and Structure is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 141). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.300 Definitions for the Certificate of Need  
Process is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 142). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

19 CSR 60-50.300 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 142-143). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held February 15, 2002. The Certificate of Need Program staff, on behalf of the Missouri Health Facilities Review Committee, received two (2) comments on this rule.

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that subsection (5) describes expedited applications and then states for all other applications a "full review" must be undertaken. The term "full review" is not specifically defined in the regulations. It would be appropriate to define "full review."

RESPONSE AND EXPLANATION OF CHANGE: A new definition was added as section (6) and the subsequent sections were

renumbered accordingly as follows: "Full review means the complete analytical period for applications as described in 19 CSR 60-50.420 and 19 CSR 60-50.430 for the development of health care facilities and acquisition of major medical equipment."

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that service area in subsection (16) is defined as "a geographic region appropriate to the proposed service, documented by the applicant and approved by the Committee." No longer included in the definition is a review area defined as a geographic region within a 15-mile radius of the proposed site. As a result, service areas will no longer be limited to a 15-mile radius. This includes proposed service areas for long-term care applications. An applicant for additional long-term care beds would be able to include, as a service area for purposes of a population base, any geographic area larger than 15 miles. The Committee cannot consider any facility beyond that 15-mile radius. section 197.315.11, RSMo 2000. Thus, the applicant could include the population but exclude facilities that are beyond a 15-mile radius of the proposed long-term care facility site. This would not accurately reflect need. Because section 197.318.1, RSMo 2000 specifically includes counties and a 15-mile radius in determining whether occupancy requirements for additional long-term care beds have been met, and because of the population-based need formula for determining beds needed, the definition of service area should specifically indicate that for long-term care facilities, the service area will remain the 15-mile radius. To provide otherwise, as the proposed rule states, is beyond the scope and the authority of the Committee. This is also consistent with 19 CSR 60-50.430(4)(C).

RESPONSE AND EXPLANATION OF CHANGE: Section (16) was modified to add "For long-term care projects, the 15-mile radius calculation must be used." and renumbered to section (17).

**19 CSR 60-50.300 Definitions for the Certificate of Need  
Process**

(6) Full review means the complete analytical period for applications as described in 19 CSR 60-50.420 and 19 CSR 60-50.430 for the development of health care facilities and acquisition of major medical equipment.

(7) Generally accepted accounting principles pertaining to capital expenditures include, but are not limited to—

(A) Expenditures related to acquisition or construction of capital assets;

(B) Capital assets are investments in property, plant and equipment used for the production of other goods and services approved by the committee; and

(C) Land is not considered a capital asset until actually converted for that purpose with commencement of aboveground construction approved by the committee.

(8) Health care facility means those described in section 197.366, RSMo.

(9) Health care facility expenditure includes the capital value of new construction or renovation costs, architectural/engineering fees, equipment not in the construction contract, land acquisition costs, consultants'/legal fees, interest during construction, predevelopment costs as defined in section 197.305(13), RSMo, in excess of one hundred fifty thousand dollars (\$150,000), any existing land and building converted to medical use for the first time, and any other capitalizable costs as listed on the "Proposed Project Budget" form MO 580-1863.

(10) Health maintenance organizations means entities as defined in section 354.400(10), RSMo, except for activities directly related to the provision of insurance only.

(11) Interested party means any licensed health care provider or other affected person who has expressed an interest in the Certificate of Need (CON) process or a CON application.

(12) Major medical equipment means any piece of equipment and collection of functionally related devices acquired to operate the equipment and additional related costs such as software, shielding, and installation, with an aggregate cost of one (1) million dollars or more, when the equipment is intended to provide the following services:

- (A) Cardiac Catheterization;
- (B) CT (Computed Tomography);
- (C) Gamma Knife;
- (D) Hemodialysis;
- (E) Lithotripsy;
- (F) MRI (Magnetic Resonance Imaging);
- (G) PET (Positron Emission Tomography);
- (H) Linear Accelerator;
- (I) Open Heart Surgery;
- (J) EBCT (Electron Beam Computed Tomography);
- (K) PET/CT (Positron Emission Tomography/Computed Tomography); or
- (L) Evolving Technology.

(13) Nonsubstantive project includes, but is not limited to, at least one (1) of the following situations:

(A) An expenditure which is required solely to meet federal or state requirements or involves predevelopment costs or the development of a health maintenance organization;

(B) The construction or modification of nonpatient care services, including parking facilities, sprinkler systems, heating or air-conditioning equipment, fire doors, food service equipment, building maintenance, administrative equipment, telephone systems, energy conservation measures, land acquisition, medical office buildings, and other projects or functions of a similar nature; or

(C) Expenditures for construction, equipment, or both, due to an act of God or a normal consequence of maintenance, but not replacement, of health care facilities, beds, or equipment.

(14) Offer, when used in connection with health services, means that the applicant asserts having the capability and the means to provide and operate the specified health services.

(15) Predevelopment costs mean expenditures as defined in section 197.305(13), RSMo, including consulting, legal, architectural, engineering, financial and other activities directly related to the proposed project, but excluding the application fee for submission of the application for the proposed project.

(16) Related organization means an organization that is associated or affiliated with, has control over or is controlled by, or has any direct financial interest in, the organization applying for a project including, without limitation, an underwriter, guarantor, parent organization, joint venturer, partner or general partner.

(17) Service area means a geographic region appropriate to the proposed service, documented by the applicant and approved by the committee. For long-term care projects, the fifteen (15)-mile radius calculation must be used.

(18) The most current version of Form MO 580-1863 may be obtained by mailing a written request to the Certificate of Need Program (CONP), 915G Leslie Boulevard, Jefferson City, MO 65101, or in person at the CONP Office, or, if technically feasible, by downloading a copy of the form from the CONP website at [www.dhss.state.mo.us/con](http://www.dhss.state.mo.us/con).

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.310** Guidelines for Specific Health Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 143). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.400** Letter of Intent Process is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 143-144). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.400** Letter of Intent Process is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 144-145). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.410** Letter of Intent Package is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 145). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.410** Letter of Intent Package is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 145-147). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.420** Application Process is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 148). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

19 CSR 60-50.420 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 148-149). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held February 15, 2002. The Certificate of Need Program staff, on behalf of the Missouri Health Facilities Review Committee, received four (4) comments on this rule.

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that section (3)(B) provides that, for expedited applications, the schedule shall include the filing date, the description of the service, place for filing comments, any requests for public hearing and the tentative decision dates for that expedited application. Publication of expedited applications will be by submitting a list to the Secretary of State's office and posting it on the CON website. The notification on the website should also show the name of the facility to which the purchased or relocated beds are going together with the exact location to which the beds purchased or relocated will be going, the name of the facility from which the beds are being purchased or name of the facility which is being relocated. In other words, the buyer and sellers of the beds and those relocating facilities should be included in the notice provided for in this section. This is necessary to adequately inform the public.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(B) was modified to add the words "including the name and location of all participating facilities" after the words "a brief description of the proposed service."

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that in section (8)(B), in addition to publishing notice of the expedited applications, the Certificate of Need Program staff should publish on its website its written analysis as it is completed to give time for public comment.

RESPONSE: The Certificate of Need Program staff analyses for all reviews are published on the website at least ten (10) days in advance of Committee action. No changes have been made as a result of this comment.

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented this rule should include a process for withdrawal of applications, suggesting that the language from the rescinded 19 CSR 60-50.420(9) be included, as follows: "An applicant may withdraw an application without prejudice by written notice at any time prior to the Committee's decision. Later submission of the same application or an amended application shall be handled as a new application with a new fee."

RESPONSE AND EXPLANATION OF CHANGE: The suggested language was added as a new section (10).

COMMENT: Steve Feldman, representing the Certificate of Need Program staff, commented that this rule should include a statement that the Committee may consider other factors in addition to the Community Need Criteria and Standards, suggesting that the language from the rescinded 19 CSR 60-50.420(10) be included, as follows: "In addition to using the Community Need Criteria and Standards as guidelines, the Committee may also consider other factors to include, but not be limited to, the number of patients requiring treatment, the changing complexity of treatment, unique obstacles to access, competitive financial considerations, or the specialized nature of the service."

RESPONSE AND EXPLANATION OF CHANGE: The suggested language was added as a new section (11).

### 19 CSR 60-50.420 Review Process

(3) All filings must occur at the principal office of the committee during regular business hours. The CONP staff, as an agent of the committee, shall provide notification of applications received through publication of the Application Review Schedule (schedule), as follows:

(B) For expedited applications the schedule shall include the filing date of the application, a brief description of the proposed service, including the name and location of all participating facilities, the time and place for filing comments and requests for a public hearing, and the tentative decision date for the application. Publication of the schedule shall occur on the next business day after the filing deadline. The publication of the schedule is conducted through the following actions:

1. The schedule shall be submitted to the secretary of state's office for publication in the next regularly scheduled *Missouri Register*; and

2. The schedule shall be posted on the CON website.

(10) An applicant may withdraw an application without prejudice by written notice at any time prior to the committee's decision. Later submission of the same application or an amended application shall be handled as a new application with a new fee.

(11) In addition to using the Community Need Criteria and Standards as guidelines, the committee may also consider other factors to include, but not be limited to, the number of patients requiring treatment, the changing complexity of treatment, unique obstacles to access, competitive financial considerations, or the specialized nature of the service.

## Title 19—DEPARTMENT OF HEALTH Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

### ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

#### 19 CSR 60-50.430 Application Package is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 149). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

### ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

19 CSR 60-50.430 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 149-152). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held February 15, 2002. The Certificate of Need Program staff, on behalf of the Missouri Health Facilities Review Committee, received one (1) comment on this rule. This proposed rule contained two sections numbered as section (4). Sections (4) and (5) of this rule are reprinted here as (5) and (6) for clarification.

COMMENT: Steve Feldman, representing the Certificate of Need Program staff, commented that in subsection (2)(E), the words "Service-Specific" should be changed to "Community Need."

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(E) was modified to change "Service-Specific" to "Community Need."

#### 19 CSR 60-50.430 Application Package

(2) A written application package consisting of an original and eleven (11) bound copies (comb or three (3)-ring binder) shall be prepared and organized as follows:

(E) The application package should document the need or meet the additional information requirements in 19 CSR 60-50.450(4)-(6) for the proposal by addressing the applicable Community Need Criteria and Standards using the standards in 19 CSR 60-50.440 through 19 CSR 60-50.460 plus providing additional documentation to substantiate why any proposed alternative Criteria and Standards should be used.

(5) Document that consumer needs and preferences have been included in planning this project. Describe how consumers have had an opportunity to provide input into this specific project, and include in this section all petitions, letters of acknowledgement, support or opposition received.

(6) The most current version of Forms MO 580-2501, MO 580-2502, MO 580-2503, MO 580-2504, MO 580-2505, MO 580-1861, MO 580-1869 and MO 580-1863 may be obtained by mailing a written request to the Certificate of Need Program (CONP), 915G Leslie Boulevard, Jefferson City, MO 65101, or in person at the CONP Office, or, if technically feasible, by downloading a copy of the forms from the CONP website at [www.dhss.state.mo.us/con](http://www.dhss.state.mo.us/con).

## Title 19—DEPARTMENT OF HEALTH Division 60—Missouri Health Facilities Review Committee Chapter 50—Certificate of Need Program

### ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.440** Criteria and Standards for Hospital and Freestanding Health Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 153). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

19 CSR 60-50.440 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 153-154). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held February 15, 2002. The Certificate of Need Program staff, on behalf of the Missouri Health Facilities Review Committee, received five (5) comments on this rule.

COMMENT: Steve Feldman, representing the Certificate of Need Program staff, commented that subsection (1)(A) should be modified to delete the word “geographic,” change the words “service-specific” to “community need,” change the “S” in the population-based need formula to “R,” and add the words “as follows” after the word “rates,” and subsection (1)(B) should be modified to add the words “community need” after the word “following” and add the words “as follows” after the word “rates.”

RESPONSE AND EXPLANATION OF CHANGE: Subsections (1)(A) and (1)(B) were modified as suggested.

COMMENT: Steve Feldman, representing the Certificate of Need Program staff, commented that subsection (1)(D) should be modified to read as follows: “Alternate methodologies may be provided.”

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(D) was modified as suggested.

COMMENT: Steve Feldman, representing the Certificate of Need Program staff, commented that subsection (2) should be modified to add the words “community need” after the word “following” and add the words “as follows” after the word “rates.”

RESPONSE AND EXPLANATION OF CHANGE: Section (2) was modified as suggested.

COMMENT: Steve Feldman, representing the Certificate of Need Program staff, commented that subsection (4) should be modified

to delete the word “geographic” in subsections (4)(B) and (4)(C), delete the word “geographic” in subsection (4)(D), change the words “service-specific” to “community need,” change the “S” in the population-based need formula to “R,” and add the words “as follows” after the word “rates.”

RESPONSE AND EXPLANATION OF CHANGE: Section (4) was modified as suggested.

COMMENT: Robert Cimasi commented that maintaining review of medical equipment for ambulatory surgery centers in this rule violates the intent of the sunset provisions of section 197.366 of the CON Statute.

RESPONSE: The sunset provision in section 197.366 only changed the definition of the term “health care facilities,” but left intact the expenditure minimum for review of acquisition of major medical equipment. Major medical equipment is reviewed regardless of setting if its cost exceeds the expenditure minimum. No changes have been made to the rule as a result of this comment.

**19 CSR 60-50.440** Criteria and Standards for Equipment and New Hospitals

(1) For new units or services in the service area, use the following methodologies:

(A) The population-based need formula should be (Unmet Need =  $(R \times P) - U$ )

where:

P = Year 2005 population in the service area(s);

U = Number of service units in the service area(s); and

R = Community need rate of one (1) unit per population

listed as follows:

1. Magnetic resonance imaging unit	100,000
2. Positron emission tomography unit	500,000
3. Lithotripsy unit	1,000,000
4. Linear accelerator unit	100,000
5. Adult cardiac catheterization lab	50,000
6. Pediatric cardiac catheterization lab	50,000
7. Adult open heart surgery rooms	100,000
8. Pediatric open heart surgery rooms	100,000
9. All general surgery	10,000
10. Gamma knife	7,500,000
11. Excimer laser	500,000

(B) The minimum annual utilization for all other providers in the service area should achieve at least the following community need rates as follows:

1. Magnetic resonance imaging procedures	2,000
2. Positron emission tomography procedures	1,000
3. Lithotripsy treatments	1,000
4. Linear accelerator treatments	3,500
5. Adult cardiac catheterization procedures (include coronary angioplasties)	500
6. Pediatric cardiac catheterization procedures	250
7. Adult open heart surgery operations	200
8. Pediatric open heart surgery operations	100
9. All general surgery	750
10. Gamma knife treatments	200
11. Hemodialysis treatments	200
12. Excimer laser procedures	1,800

(D) Alternate methodologies may be provided.

(2) For additional units or services, the applicant’s optimal annual utilization should achieve at least the following community need rates as follows:

(4) For the construction of a new hospital, the following questions should be answered:

(A) What methodology was utilized to determine the need for the proposed hospital?

(B) Provide evidence that the current occupancy of other hospitals in the proposed service area exceeds eighty percent (80%).

(C) What impact would the proposed hospital have on utilization of other hospitals in the service area?

(D) What is the unmet need according to the following population-based bed need formula using (Unmet Need =  $(R \times P) - U$ ), where:

P = Year 2005 population in the service area;

U = Number of beds in the service area; and

R = Community need rate of one (1) bed per population as follows:

1. Medical/surgical bed	570
2. Pediatric bed	8,330
3. Psychiatric bed	2,080
4. Substance abuse/chemical dependency bed	20,000
5. Inpatient rehabilitation bed	9,090
6. Obstetric bed	5,880

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.450 Criteria and Standards for Long-Term Care is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 154). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

19 CSR 60-50.450 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 154-155). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held February 15, 2002. The Certificate of Need Program staff, on behalf of the Missouri Health Facilities Review Committee, received three (3) comments on this rule.

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that for this rule to be consistent with section 197.318, it should include within it a specific

statement that the LTC population-based bed need methodology (53 beds per 1,000 population age 65 and older for ICF/SNFs) shall be within a 15-mile radius of the proposed site. Likewise, similar language should be added with regard to the population-based formula for RCF beds.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) was modified to add the words “long-term care” after the word “population-based” and to add the words “for the 15-mile radius” after the words “bed need methodology.”

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that it is not clear in subsection (8)(D) whether the determination of need is population-based or determination of need to renovate and modernize. If it is the latter, it is redundant considering the other five questions.

RESPONSE: Subsection (8)(D) refers to other than a population-based need, and although most applicants will find it to be “not applicable,” it is not redundant. It is the opportunity for the applicant to indicate other need methodologies used. The Applicant’s Completeness Checklist further clarifies this point. No changes have been made in the rule as a result of this comment.

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that subsection (8) is an entirely new section relating to long-term care renovation and modernization projects. The five standards or questions are taken from a regulation that covers a broad range of replacements and renovations. Given the age of the nursing home stock in Missouri, there may be other reasons for renovations, such as simply the need to modernize. The five criteria do not cover this contingency. Therefore, we suggest you add a sixth criterion, such as: “The benefits to the facility because of its age or condition.”

RESPONSE AND EXPLANATION OF CHANGE: A new subsection (8)(F) was added to add a sixth criterion.

**19 CSR 60-50.450 Criteria and Standards for Long-Term Care**

(2) The MOR for additional LTC beds pursuant to section 197.318.1, RSMo, shall be met if the average occupancy for all licensed and available LTC beds located within the county and within fifteen (15) miles of the proposed site exceeded ninety percent (90%) during at least each of the most recent four (4) consecutive calendar quarters at the time of application filing as reported in the Division of Health Standards and Licensure (DHSL), Department of Health and Senior Services, Quarterly Survey of Hospital and Nursing Home (or Residential Care Facility) Bed Utilization and certified through a written finding by the DHSL, in which case the following population-based long-term care bed need methodology for the fifteen (15)-mile radius shall be used to determine the maximum size of the need:

(8) For LTC renovation or modernization projects which do not include increasing the number of beds, the applicant should document the following, if applicable:

(D) The methodologies used for determining need;

(E) The rationale for the reallocation of space and functions; and

(F) The benefits to the facility because of its age or condition.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.460** Criteria and Standards for Other Health Services and Emerging Technology **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 155-156). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.460** Criteria and Standards for Evolving Technology **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 156). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.470** Criteria and Standards for Financial Feasibility **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 156). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.470** Criteria and Standards for Financial Feasibility **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 156-157). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.480** Criteria and Standards for Alternatives **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 157). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.500** Additional Information **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 157-158). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.500 Additional Information is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 158). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.600 Certificate of Need Decisions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 158). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.600 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 158-159). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held February 15, 2002. The Certificate of Need Program staff, on behalf of the Missouri Health Facilities Review Committee, received one (1) comment on this rule.

COMMENT: Harvey Tettlebaum, representing the Missouri Health Care Association, commented that this rule should be made clear that an absolute majority of the Committee members must have voted on the project and that at least a majority of this absolute majority voted in the affirmative.

RESPONSE AND EXPLANATION OF CHANGE: This change would make balloting consistent with the absolute majority required under *Robert's Rules of Order* used at regular Committee meetings. Subsection (2)(C) was modified to change the words "a majority is required" to "at least five ballots are required."

**19 CSR 60-50.600 Certificate of Need Decisions**

(2) Decisions on expedited CON applications shall be subject to the following:

(C) A final decision to approve the application will be rendered if all ballots received by the cut-off date (at least five (5) ballots are required) signifying a vote to approve the project. If the vote is not unanimous, the application will be subject to the provisions of section (1) of this rule.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.700 Post-Decision Activity is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 159). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.700 Post-Decision Activity is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 159-160). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.800 Meeting Procedures is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 160). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.800 Meeting Procedures is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 160-161). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee rescinds a rule as follows:

**19 CSR 60-50.900 Administration is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 161). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo 2000, the committee adopts a rule as follows:

**19 CSR 60-50.900 Administration is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 161-162). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 500—Property and Casualty**  
**Chapter 6—Workers' Compensation and Employer's Liability**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director withdraws a proposed rescission as follows:

**20 CSR 500-6.700 Premium Discounts for Using Managed Care Programs is withdrawn.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2136). A notice of proposed rulemaking containing a companion proposed rule to replace the proposed rescission was also published in the *Missouri Register*, starting on the same page. The proposed rule is withdrawn elsewhere in this *Missouri Register*, in response to the disapproval of the proposed rule by the Joint Committee on Administrative Rules (JCAR). The proposed rescission is also hereby withdrawn.

SUMMARY OF COMMENTS: A public hearing on the proposed rescission was held on December 12, 2001, and the period for written public comments was kept open until December 14, 2001. A hearing on the proposed rescission was held in conjunction with the hearing on a companion proposed rule intended to replace the rescinded rule. No comments specifically addressed to the proposed rescission were received; however, numerous comments were made regarding the companion proposed rule, which are summarized elsewhere in this *Missouri Register*.

RESPONSE: Based on the comments received regarding the companion proposed rule, the department modified the proposed rule where it deemed doing so was appropriate and, on February 8, 2002, submitted final orders of rulemaking to the Joint Committee on Administrative Rules (JCAR) regarding both the proposed rescission and the proposed rule. JCAR held a hearing on the proposed rule on March 7, 2002, at which time the committee voted to disapprove the proposed rule. As a result of JCAR's disapproval, the department decided to withdraw the proposed rescission and the proposed rule.

**Title 20—DEPARTMENT OF INSURANCE**  
**Division 500—Property and Casualty**  
**Chapter 6—Workers' Compensation and Employer's Liability**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director withdraws a proposed rule as follows:

**20 CSR 500-6.700 Workers' Compensation Managed Care Organizations is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2136–2157). In response to the disapproval of the proposal by the Joint Committee on Administrative Rules, the proposed rule is hereby withdrawn.

**SUMMARY OF COMMENTS:** A public hearing on the proposed rule was held on December 12, 2001, and the period for written public comments was kept open until December 14, 2001. Numerous oral and written comments were received from various workers' compensation managed care organizations (MCOs), individual workers' compensation insurers, insurance industry trade associations, health care provider organizations, individual employers, employer associations, and two elected state Representatives. Except for the "qualified" support of a single insurer, the comments regarding the proposed rule were negative. The central criticism from MCOs and insurers was that the proposal violated the statutory intent of the General Assembly behind section 287.135, RSMo. MCOs said the statute was intended to allow employers to freely choose their MCO, a choice that could, they argued, be effectively vetoed under the proposal by an employer's insurer. Insurers, in contrast, argued that the statute was not intended to guarantee such unfettered choice.

MCOs and provider groups also argued that the proposal penalized employers who selected "out-of-network" providers and that it would have had the indirect effect of limiting the reimbursement to health care providers in an unacceptably restrictive manner. Provider groups argued the rule should have required MCO networks to include chiropractors and also should have allowed employers the full freedom of choice of case management nurses.

Insurers and insurance industry associations argued the proposal would be administratively burdensome, that it would improperly restrict an insurer's right to set the premium charged for a policy, and that it failed to adequately define "reasonable MCO fees." MCOs argued certain requirements under the proposal for certification were unnecessary or inappropriate. Employer groups were concerned that the rule might result in higher premiums.

Numerous technical changes were also suggested by various parties.

**RESPONSE:** The department modified the proposed rule where it deemed doing so was appropriate and submitted a final order of rulemaking to the Joint Committee on Administrative Rules (JCAR) on February 8, 2002. JCAR held a hearing on the order on March 7, 2002. At that hearing, members of JCAR noted the ambiguities in the underlying statutes, which made drafting a rule in conformity with the General Assembly's intent problematic. Committee members indicated that their understanding of the legislative intent behind the statutes was to have the department develop a rule that allowed employers to select their own MCOs and have their insurers pay the reasonable and customary administrative fees of such employer-selected MCOs. The committee requested that the department submit a rule to it as soon as possible along such lines, after which the committee voted to disapprove the department's order of rulemaking on the proposed rule. As a result of JCAR's disapproval, the department has decided to withdraw the proposed rule.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10—Health Care Plan  
Chapter 2—Plan Options**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.010 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 164). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10—Health Care Plan  
Chapter 2—Plan Options**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.040 PPO Plan Summary of Medical Benefits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 164–166). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10—Health Care Plan  
Chapter 2—Plan Options**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.045 Co-Pay Plan Summary of Medical Benefits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 167–168). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN**

**Division 10—Health Care Plan  
Chapter 2—Plan Options**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.055** Co-Pay Plan Benefit Provisions and Covered Charges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 169-170). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—Plan Options  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.063** HMO/POS Premium Option Summary of Medical Benefits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 171-172). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—Plan Options  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.064** HMO/POS Standard Option Summary of Medical Benefits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 173-174). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—Plan Options  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director rescinds a rule as follows:

**22 CSR 10-2.065** Staff Model Summary of Medical Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2002 (27 MoReg 175). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—Plan Options  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.067** HMO and POS Limitations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 175). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—Plan Options  
ORDER OF RULEMAKING**

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2000, the director amends a rule as follows:

**22 CSR 10-2.075** Review and Appeals Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 175-176). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
915 G Leslie Boulevard  
Jefferson City, MO 65101

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

**Division 60—Missouri Health Facilities Review Committee**

**Chapter 50—Certificate of Need Program**

**APPLICATION REVIEW SCHEDULE**

For additional information contact  
Donna Schuessler, 573-751-6403.

DATE FILED:  
APPLICATION PROJECT NO. &  
NAME/COST & DESCRIPTION/  
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the June 3, 2002, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

**03/21/02**

**#3225 HS:** Lester E. Cox Medical Center  
Springfield (Greene County)  
\$6,191,794, Acquire two magnetic  
resonance imagers (MRI)

**03/22/02**

**#3226 HS:** Lester E. Cox Medical Center  
Springfield (Greene County)  
\$4,353,530, Acquire two linear accelerators

**#3227 FS:** Sikeston Imaging Center, LLC  
Sikeston (Scott County)  
\$1,500,000, Acquire MRI

**#3223 FS:** Kansas City Oncology Hematology Group  
Lee's Summit (Jackson County)  
\$1,375,000, Acquire mobile positron emission  
tomography scanner

**#3224 FS:** Kansas City Oncology Hematology Group  
Kansas City (Jackson County)  
\$2,246,000, Acquire linear accelerator

**#3196 FS:** Springfield Neurological Institute, LLC  
Springfield (Greene County)  
\$1,700,000, Acquire MRI

**#3229 HS:** Saint Luke's Hospital  
Lee's Summit (Jackson County)  
\$87,965,000, Establish 52-bed acute care hospital

**#3228 FS:** Metro Imaging LLC  
St. Louis (St. Louis County)  
\$1,505,000, Replace MRI

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by April 23, 2002. All written requests and comments should be sent to:

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: [www.moolb.state.mo.us](http://www.moolb.state.mo.us). Prospective bidders may receive specifications upon request.

B1E02264 Envelopes, Recycled 5/1/02;  
B3E02171 Banking Services 5/1/02;  
B3E02191 Printing: Hunter Education Manual 5/1/02;  
B2Z02069 Networking Products: Cisco Products 5/2/02;  
B3E02177 Parent Advisor 5/2/02;  
B1E02276 Aluminum License Plate 5/3/02;  
B1Z02187 Maintenance Service: Mailing Equipment 5/6/02;  
B2E02074 Microfiche System Upgrade 5/6/02;  
B1E02252 Equipment, Lab: Particulate Speciation Sampler  
5/7/02;  
B3Z02179 Printing Services: Missouri Resources Magazine  
5/13/02;  
B3Z02172 Research Services-Show-Me The Connection 5/15/02;  
B3E02198 Printing-Discover Outdoor Missouri Map 5/16/02;  
B2Z02070 ETL Software & Support Services 5/17/02;  
B3Z02162 Exhibit Design, Construction & Installation 5/23/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Thermo Cycler & Nucleic Acid Purification System, supplied by Roche Diagnostic Systems of Indianapolis, IN.

Automated Extraction System, supplied by ThermoFinnigan of Woodstock, GA.

Proprietary Purchase-Software Upgrade to Bell & Howell Systems, supplied by Bell & Howell.

Information Technology Consulting, supplied by IBM Corporation.

James Miluski, CPPO,  
Director of Purchasing

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule .....				25 MoReg 2478 27 MoReg 189
1 CSR 50-3.010	Missouri Ethics Commission .....		26 MoReg 2219	27 MoReg 413	
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-5.010	Market Development .....	26 MoReg 1305R 26 MoReg 1305			
2 CSR 10-5.015	Market Development .....	26 MoReg 2217	27 MoReg 451		
2 CSR 30-2.010	Animal Health .....	26 MoReg 2257	26 MoReg 2263	..... This IssueW This Issue	
2 CSR 30-2.040	Animal Health .....	26 MoReg 2257	26 MoReg 2265	..... This IssueW This Issue	
2 CSR 30-6.020	Animal Health .....	26 MoReg 2258	26 MoReg 2267	..... This IssueW This Issue	
2 CSR 80-5.010	State Milk Board .....		27 MoReg 396		
2 CSR 90-10.012	Weights and Measures .....		27 MoReg 7		
2 CSR 90-10.013	Weights and Measures .....		27 MoReg 9		
2 CSR 90-10.020	Weights and Measures .....		27 MoReg 9		
2 CSR 90-10.040	Weights and Measures .....		27 MoReg 11		
2 CSR 90-20.040	Weights and Measures .....		27 MoReg 454		
2 CSR 90-22.140	Weights and Measures .....		27 MoReg 454		
2 CSR 90-23.010	Weights and Measures .....		27 MoReg 454		
2 CSR 90-25.010	Weights and Measures .....		27 MoReg 455		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.111	Conservation Commission .....		27 MoReg 226	..... 27 MoReg 631	
3 CSR 10-5.550	Conservation Commission .....		27 MoReg 455		
3 CSR 10-5.551	Conservation Commission .....		27 MoReg 456		
3 CSR 10-9.353	Conservation Commission .....	27 MoReg 547	27 MoReg 552		
3 CSR 10-9.565	Conservation Commission .....	27 MoReg 548	27 MoReg 553		
3 CSR 10-9.566	Conservation Commission .....	27 MoReg 549	27 MoReg 554		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-2.022	Missouri State Board of Accountancy .....	26 MoReg 2345	26 MoReg 2348		
4 CSR 10-2.041	Missouri State Board of Accountancy .....	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.061	Missouri State Board of Accountancy .....	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.160	Missouri State Board of Accountancy .....	26 MoReg 1501	26 MoReg 2353		
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2075	..... 27 MoReg 493	
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2076	..... 27 MoReg 493	
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2077	..... 27 MoReg 493	
4 CSR 30-4.080	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2078R 26 MoReg 2078	..... 27 MoReg 494R ..... 27 MoReg 494	
4 CSR 30-5.105	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2269	..... This Issue	
4 CSR 30-5.110	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2269R 26 MoReg 2270	..... This IssueR ..... This Issue	
4 CSR 30-5.120	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2083R 26 MoReg 2083	..... 27 MoReg 494R ..... 27 MoReg 494	
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2083R 26 MoReg 2083	..... 27 MoReg 494R ..... 27 MoReg 495	
4 CSR 30-11.015	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2270	..... This Issue	
4 CSR 40-1.010	Office of Athletics .....		26 MoReg 2354R	..... 27 MoReg 631R	
4 CSR 40-1.021	Office of Athletics .....		26 MoReg 2354R	..... 27 MoReg 631R	
			26 MoReg 2354	..... 27 MoReg 631	
4 CSR 40-1.030	Office of Athletics .....		26 MoReg 2355R	..... 27 MoReg 632R	
4 CSR 40-1.031	Office of Athletics .....		26 MoReg 2355R	..... 27 MoReg 632R	
4 CSR 40-2.011	Office of Athletics .....		26 MoReg 2356R	..... 27 MoReg 632R	
			26 MoReg 2356	..... 27 MoReg 632	
4 CSR 40-2.021	Office of Athletics .....		26 MoReg 2365R	..... 27 MoReg 632R	
			26 MoReg 2365	..... 27 MoReg 632	
4 CSR 40-3.011	Office of Athletics .....		26 MoReg 2369R	..... 27 MoReg 632R	
			26 MoReg 2369	..... 27 MoReg 633	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 40-4.015	Office of Athletics		26 MoReg 2372R	27 MoReg 633R	
4 CSR 40-4.020	Office of Athletics		26 MoReg 2372	27 MoReg 633	
4 CSR 40-4.030	Office of Athletics		26 MoReg 2376R	27 MoReg 633R	
4 CSR 40-4.040	Office of Athletics		26 MoReg 2376	27 MoReg 633	
4 CSR 40-4.050	Office of Athletics		26 MoReg 2377	27 MoReg 634	
4 CSR 40-4.060	Office of Athletics		26 MoReg 2382R	27 MoReg 634R	
4 CSR 40-4.070	Office of Athletics		26 MoReg 2382	27 MoReg 634	
4 CSR 40-4.080	Office of Athletics		26 MoReg 2384R	27 MoReg 634R	
4 CSR 40-4.090	Office of Athletics		26 MoReg 2384	27 MoReg 634	
4 CSR 40-5.010	Office of Athletics		26 MoReg 2387	27 MoReg 634	
4 CSR 40-5.030	Office of Athletics		26 MoReg 2387	27 MoReg 635	
4 CSR 40-5.040	Office of Athletics		26 MoReg 2388R	27 MoReg 635R	
4 CSR 40-5.050	Office of Athletics		26 MoReg 2388	27 MoReg 635	
4 CSR 40-5.060	Office of Athletics		26 MoReg 2392	27 MoReg 635	
4 CSR 40-5.070	Office of Athletics		26 MoReg 2392	27 MoReg 635	
4 CSR 40-6.010	Office of Athletics		26 MoReg 2395R	27 MoReg 635R	
4 CSR 40-7.010	Office of Athletics		26 MoReg 2395	27 MoReg 636	
4 CSR 90-2.010	State Board of Cosmetology		26 MoReg 2398R	27 MoReg 636R	
4 CSR 90-2.020	State Board of Cosmetology		26 MoReg 2398	27 MoReg 636	
4 CSR 90-2.030	State Board of Cosmetology		26 MoReg 2400R	27 MoReg 636R	
4 CSR 90-4.020	State Board of Cosmetology		26 MoReg 2400R	27 MoReg 636R	
4 CSR 90-8.010	State Board of Cosmetology		26 MoReg 2400	27 MoReg 636	
4 CSR 90-12.080	State Board of Cosmetology		26 MoReg 2402R	27 MoReg 637R	
4 CSR 90-13.070	State Board of Cosmetology		26 MoReg 2402R	27 MoReg 637R	
4 CSR 100	Division of Credit Unions		26 MoReg 2403	27 MoReg 637	
4 CSR 100-2.085	Division of Credit Unions		26 MoReg 2403R	27 MoReg 637R	
4 CSR 110-2.131	Missouri Dental Board	27 MoReg 549	26 MoReg 2404	27 MoReg 637	
4 CSR 110-2.132	Missouri Dental Board		27 MoReg 14	This Issue	
4 CSR 110-2.170	Missouri Dental Board		27 MoReg 14	This Issue	
4 CSR 110-2.240	Missouri Dental Board		27 MoReg 14	This Issue	
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		27 MoReg 15	This Issue	
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		27 MoReg 15	This Issue	
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		27 MoReg 15	This Issue	
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		27 MoReg 15	This Issue	
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		27 MoReg 15	This Issue	
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		27 MoReg 15	This Issue	
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		27 MoReg 16	This Issue	
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors				27 MoReg 415
4 CSR 120-2.120	State Board of Embalmers and Funeral Directors				27 MoReg 584
4 CSR 140-1.010	Division of Finance				27 MoReg 652
4 CSR 140-2.067	Division of Finance		27 MoReg 16	27 MoReg 637	
4 CSR 140-2.070	Division of Finance		27 MoReg 16	27 MoReg 637	
4 CSR 140-10.010	Division of Finance		27 MoReg 555		
4 CSR 140-10.030	Division of Finance		27 MoReg 100	This Issue	
4 CSR 140-11.010	Division of Finance		27 MoReg 104	This Issue	
4 CSR 140-11.020	Division of Finance		26 MoReg 2276	27 MoReg 495	
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15 CSR 30-45.030	Secretary of State		27 MoReg 407R		
			27 MoReg 407		
15 CSR 30-50.010	Secretary of State		27 MoReg 129		
15 CSR 30-50.020	Secretary of State		27 MoReg 130R		
			27 MoReg 130		
15 CSR 30-50.030	Secretary of State		27 MoReg 131R		
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15 CSR 30-50.040	Secretary of State		27 MoReg 132R		
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15 CSR 30-50.120	Secretary of State		27 MoReg 133R		
15 CSR 30-50.130	Secretary of State		27 MoReg 134R		
15 CSR 30-50.150	Secretary of State		27 MoReg 134R		
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15 CSR 30-51.030	Secretary of State		27 MoReg 138R		
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15 CSR 30-51.160	Secretary of State		27 MoReg 139R		
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15 CSR 30-51.180	Secretary of State		27 MoReg 251		
15 CSR 30-54.190	Secretary of State		26 MoReg 2303R		
			26 MoReg 2304		
15 CSR 30-54.290	Secretary of State		27 MoReg 251		
15 CSR 30-55.010	Secretary of State		26 MoReg 2304R	27 MoReg 579R	
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15 CSR 30-55.020	Secretary of State		26 MoReg 2305R	27 MoReg 579R	
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15 CSR 30-55.025	Secretary of State		26 MoReg 2306	27 MoReg 580	
15 CSR 30-55.030	Secretary of State		26 MoReg 2306R	27 MoReg 580R	
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15 CSR 30-55.040	Secretary of State		26 MoReg 2307R	27 MoReg 580R	
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15 CSR 30-55.110	Secretary of State		26 MoReg 2310R	27 MoReg 582R	
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15 CSR 30-55.220	Secretary of State		26 MoReg 2311	27 MoReg 582	
15 CSR 50-2.050	Treasurer		26 MoReg 2414	27 MoReg 582	
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16 CSR 10-4.014	The Public School Retirement System of Missouri		27 MoReg 465		
16 CSR 10-6.040	The Public School Retirement System of Missouri		27 MoReg 465		
16 CSR 20-2.056	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2311	27 MoReg 583	
16 CSR 20-2.083	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2312	27 MoReg 583	
16 CSR 20-3.010	Missouri Local Government Employees' Retirement System (LAGERS)		26 MoReg 2312	27 MoReg 583	
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			27 MoReg 466		
17 CSR 20-2.025	St. Louis Board of Police Commissioners		26 MoReg 2024		
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17 CSR 20-2.035	St. Louis Board of Police Commissioners		26 MoReg 2025		
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17 CSR 20-2.045	St. Louis Board of Police Commissioners		26 MoReg 2026		
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17 CSR 20-2.055	St. Louis Board of Police Commissioners		26 MoReg 2027		
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17 CSR 20-2.075	St. Louis Board of Police Commissioners		26 MoReg 2028		
			27 MoReg 270		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		26 MoReg 2028		
			27 MoReg 471		
17 CSR 20-2.095	St. Louis Board of Police Commissioners		26 MoReg 2029		
			27 MoReg 472		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		26 MoReg 2030		
			27 MoReg 472		
17 CSR 20-2.115	St. Louis Board of Police Commissioners		26 MoReg 2031		
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17 CSR 20-2.125	St. Louis Board of Police Commissioners		26 MoReg 2032		
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17 CSR 20-2.135	St. Louis Board of Police Commissioners		26 MoReg 2033		
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18 CSR 10-1.010	Office of State Public Defender		27 MoReg 476		
18 CSR 10-2.010	Office of State Public Defender		27 MoReg 477		
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19 CSR 10-4.010	Office of the Director		27 MoReg 478R		
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19 CSR 10-4.040	Office of the Director	27 MoReg 550	27 MoReg 571		
19 CSR 10-4.050	Office of the Director		27 MoReg 482		
19 CSR 15-1.010	Division of Senior Services				27 MoReg 512
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19 CSR 15-2.010	Division of Senior Services				27 MoReg 512
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19 CSR 15-3.010	Division of Senior Services				27 MoReg 512
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19 CSR 15-3.020	Division of Senior Services				27 MoReg 513
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19 CSR 15-3.030	Division of Senior Services				27 MoReg 513
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19 CSR 15-3.040	Division of Senior Services				27 MoReg 513
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19 CSR 15-3.050	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-3.050)</i>				
19 CSR 15-4.010	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.010)</i>				
19 CSR 15-4.020	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.020)</i>				
19 CSR 15-4.030	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.030)</i>				
19 CSR 15-4.040	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.050	Division of Senior Services		27 MoReg 486		27 MoReg 513
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19 CSR 15-4.060	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.070	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.080	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.090	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.100	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.100)</i>				
19 CSR 15-4.105	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.105)</i>				
19 CSR 15-4.110	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.110)</i>				
19 CSR 15-4.120	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.120)</i>				
19 CSR 15-4.130	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.130)</i>				
19 CSR 15-4.135	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.140	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.150	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.150)</i>				
19 CSR 15-4.160	Division of Senior Services				27 MoReg 513
	<i>(Changed from 13 CSR 15-4.160)</i>				
19 CSR 15-4.170	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.175	Division of Senior Services				27 MoReg 513
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19 CSR 15-4.180	Division of Senior Services <i>(Changed from 13 CSR 15-4.180)</i>				27 MoReg 513
19 CSR 15-1.190	Division of Senior Services <i>(Changed from 13 CSR 15-4.190)</i>				27 MoReg 513
19 CSR 15-4.200	Division of Senior Services <i>(Changed from 13 CSR 15-4.200)</i>				27 MoReg 513
19 CSR 15-4.210	Division of Senior Services <i>(Changed from 13 CSR 15-4.210)</i>				27 MoReg 513
19 CSR 15-4.220	Division of Senior Services <i>(Changed from 13 CSR 15-4.220)</i>				27 MoReg 513
19 CSR 15-4.230	Division of Senior Services <i>(Changed from 13 CSR 15-4.230)</i>				27 MoReg 513
19 CSR 15-4.240	Division of Senior Services <i>(Changed from 13 CSR 15-4.240)</i>				27 MoReg 513
19 CSR 15-4.250	Division of Senior Services <i>(Changed from 13 CSR 15-4.250)</i>				27 MoReg 513
19 CSR 15-4.260	Division of Senior Services <i>(Changed from 13 CSR 15-4.260)</i>				27 MoReg 513
19 CSR 15-4.270	Division of Senior Services <i>(Changed from 13 CSR 15-4.270)</i>				27 MoReg 513
19 CSR 15-4.280	Division of Senior Services <i>(Changed from 13 CSR 15-4.280)</i>				27 MoReg 513
19 CSR 15-4.290	Division of Senior Services <i>(Changed from 13 CSR 15-4.290)</i>				27 MoReg 513
19 CSR 15-4.300	Division of Senior Services <i>(Changed from 13 CSR 15-4.300)</i>				27 MoReg 513
19 CSR 15-4.310	Division of Senior Services <i>(Changed from 13 CSR 15-4.310)</i>				27 MoReg 513
19 CSR 15-6.020	Division of Senior Services <i>(Changed from 13 CSR 15-6.020)</i>				27 MoReg 513
19 CSR 15-6.025	Division of Senior Services <i>(Changed from 13 CSR 15-6.025)</i>				27 MoReg 513
19 CSR 15-7.005	Division of Senior Services <i>(Changed from 13 CSR 15-7.005)</i>				27 MoReg 514
19 CSR 15-7.010	Division of Senior Services <i>(Changed from 13 CSR 15-7.010)</i>				27 MoReg 514
19 CSR 15-7.021	Division of Senior Services <i>(Changed from 13 CSR 15-7.021)</i>		26 MoReg 2034	27 MoReg 509	27 MoReg 514 27 MoReg 514
19 CSR 15-7.040	Division of Senior Services <i>(Changed from 13 CSR 15-7.040)</i>				27 MoReg 514
19 CSR 15-7.050	Division of Senior Services <i>(Changed from 13 CSR 15-7.050)</i>				27 MoReg 514
19 CSR 15-7.060	Division of Senior Services <i>(Changed from 13 CSR 15-7.060)</i>				27 MoReg 514
19 CSR 20-3.050	Division of Environmental Health and Communicable Disease Prevention				27 MoReg 584
19 CSR 25-38.020	Division of Administration	27 MoReg 392	27 MoReg 408		
19 CSR 60-50	Missouri Health Facilities Review				This Issue
19 CSR 60-50.200	Missouri Health Facilities Review	27 MoReg 71R	27 MoReg 141R	This IssueR	
19 CSR 60-50.300	Missouri Health Facilities Review	27 MoReg 71	27 MoReg 141	This Issue	
19 CSR 60-50.310	Missouri Health Facilities Review	27 MoReg 72R	27 MoReg 142R	This IssueR	
19 CSR 60-50.310	Missouri Health Facilities Review	27 MoReg 72	27 MoReg 142	This Issue	
19 CSR 60-50.400	Missouri Health Facilities Review	27 MoReg 74R	27 MoReg 143R	This IssueR	
19 CSR 60-50.400	Missouri Health Facilities Review	27 MoReg 74R	27 MoReg 143R	This IssueR	
19 CSR 60-50.410	Missouri Health Facilities Review	27 MoReg 75	27 MoReg 144	This Issue	
19 CSR 60-50.410	Missouri Health Facilities Review	27 MoReg 76R	27 MoReg 145R	This IssueR	
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19 CSR 60-50.430	Missouri Health Facilities Review	27 MoReg 78	27 MoReg 148	This Issue	27 MoReg 415 27 MoReg 514
19 CSR 60-50.430	Missouri Health Facilities Review	27 MoReg 79R	27 MoReg 149R	This IssueR	
19 CSR 60-50.440	Missouri Health Facilities Review	27 MoReg 80	27 MoReg 149	This Issue	
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19 CSR 60-50.450	Missouri Health Facilities Review	27 MoReg 82	27 MoReg 153	This Issue	
19 CSR 60-50.450	Missouri Health Facilities Review	27 MoReg 83R	27 MoReg 154R	This IssueR	
19 CSR 60-50.460	Missouri Health Facilities Review	27 MoReg 84	27 MoReg 154	This Issue	
19 CSR 60-50.460	Missouri Health Facilities Review	27 MoReg 85R	27 MoReg 155R	This IssueR	
19 CSR 60-50.470	Missouri Health Facilities Review	27 MoReg 86	27 MoReg 156	This Issue	
19 CSR 60-50.470	Missouri Health Facilities Review	27 MoReg 86R	27 MoReg 156R	This IssueR	
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19 CSR 60-50.480	Missouri Health Facilities Review	27 MoReg 87R	27 MoReg 157R	This IssueR	
19 CSR 60-50.500	Missouri Health Facilities Review	27 MoReg 88R	27 MoReg 157R	This IssueR	
19 CSR 60-50.600	Missouri Health Facilities Review	27 MoReg 88	27 MoReg 158	This Issue	
19 CSR 60-50.600	Missouri Health Facilities Review	27 MoReg 89R	27 MoReg 158R	This IssueR	
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19 CSR 60-50.700	Missouri Health Facilities Review	27 MoReg 90R	27 MoReg 159R	This IssueR	
19 CSR 60-50.800	Missouri Health Facilities Review	27 MoReg 91	27 MoReg 159	This Issue	
19 CSR 60-50.800	Missouri Health Facilities Review	27 MoReg 92R	27 MoReg 160R	This IssueR	
19 CSR 60-50.900	Missouri Health Facilities Review	27 MoReg 92	27 MoReg 160	This Issue	
19 CSR 60-50.900	Missouri Health Facilities Review	27 MoReg 93R	27 MoReg 161R	This IssueR	
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19 CSR 90-1.010	Missouri Senior Rx Program	27 MoReg 303	27 MoReg 341		

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19 CSR 90-1.020	Missouri Senior Rx Program	.....27 MoReg 303	.....27 MoReg 342		
19 CSR 90-1.030	Missouri Senior Rx Program	.....27 MoReg 304	.....27 MoReg 343		
19 CSR 90-1.040	Missouri Senior Rx Program	.....27 MoReg 305	.....27 MoReg 346		
19 CSR 90-1.050	Missouri Senior Rx Program	.....27 MoReg 305	.....27 MoReg 346		
19 CSR 90-1.060	Missouri Senior Rx Program	.....27 MoReg 306	.....27 MoReg 349		
19 CSR 90-1.070	Missouri Senior Rx Program	.....27 MoReg 306	.....27 MoReg 349		
19 CSR 90-1.080	Missouri Senior Rx Program	.....27 MoReg 307	.....27 MoReg 349		
19 CSR 90-1.090	Missouri Senior Rx Program	.....27 MoReg 307	.....27 MoReg 350		
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19 CSR 90-2.030	Missouri Senior Rx Program	.....27 MoReg 309	.....27 MoReg 351		
19 CSR 90-2.040	Missouri Senior Rx Program	.....27 MoReg 310	.....27 MoReg 352		
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20 CSR 10-1.020	General Administration	.....27 MoReg 162			
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22 CSR 10-2.040	Health Care Plan	.....27 MoReg 95	.....27 MoReg 164	.....This Issue	
22 CSR 10-2.045	Health Care Plan	.....27 MoReg 96	.....27 MoReg 167	.....This Issue	
22 CSR 10-2.055	Health Care Plan	.....27 MoReg 96	.....27 MoReg 169	.....This Issue	
22 CSR 10-2.063	Health Care Plan	.....27 MoReg 97	.....27 MoReg 171	.....This Issue	
22 CSR 10-2.064	Health Care Plan	.....27 MoReg 97	.....27 MoReg 173	.....This Issue	
22 CSR 10-2.065	Health Care Plan	.....27 MoReg 98R	.....27 MoReg 175R	.....This IssueR	
22 CSR 10-2.067	Health Care Plan	.....27 MoReg 98	.....27 MoReg 175	.....This Issue	
22 CSR 10-2.075	Health Care Plan	.....27 MoReg 99	.....27 MoReg 175	.....This Issue	

## Emergency Rules in Effect as of May 1, 2002

Expires

### Department of Agriculture

#### Animal Health

2 CSR 30-2.010	Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri	May 10, 2002
2 CSR 30-2.040	Animal Health Requirements for Exhibition	May 10, 2002
2 CSR 30-6.020	Duties and Facilities of the Market/Sale Veterinarian	May 10, 2002
<b>Plant Industries</b>		
2 CSR 70-13.045	Registration of Apiaries	January 30, 2003
2 CSR 70-13.050	Cotton/Bee Protection Area	January 30, 2003

### Department of Conservation

#### Conservation Commission

3 CSR 10-9.353	Privileges for Class I and Class II Wildlife Breeders	September 16, 2002
3 CSR 10-9.565	Licensed Hunting Preserve: Privileges	September 16, 2002
3 CSR 10-9.566	Licensed Hunting Preserve: Records Required	September 16, 2002

### Department of Economic Development

#### Missouri State Board of Accountancy

4 CSR 10-2.022	Provisional License to Practice	May 23, 2002
4 CSR 10-2.041	Eligibility Requirements for the C.P.A. Examination	May 23, 2002
4 CSR 10-2.061	Requirements for an Initial Permit to Practice	May 23, 2002

#### Missouri Dental Board

4 CSR 110-2.131	Definition of a Public Health Setting	September 20, 2002
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### Department of Mental Health

#### Certification Standards

9 CSR 30-4.030	Certification Standards Definitions	July 11, 2002
9 CSR 30-4.031	Procedures to Obtain Certification for Centers	July 11, 2002
9 CSR 30-4.032	Administration	July 11, 2002
9 CSR 30-4.034	Personnel and Staff Development	July 11, 2002
9 CSR 30-4.035	Client Records of a Community Psychiatric Rehabilitation Program	July 11, 2002
9 CSR 30-4.039	Service Provision	July 11, 2002
9 CSR 30-4.042	Admission Criteria	July 11, 2002
9 CSR 30-4.043	Treatment Provided by Community Psychiatric Rehabilitation Program	July 11, 2002
9 CSR 30-4.045	Intensive Community Psychiatric Rehabilitation	July 11, 2002

#### Division of Mental Retardation and Developmental Disabilities

9 CSR 45-5.060	Procedures to Obtain Certification	August 27, 2002
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### Department of Public Safety

#### Office of the Director

11 CSR 30-7.010	Motor Vehicle Window Tinting Permits	August 30, 2002
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#### Missouri State Highway Patrol

11 CSR 50-2.320	School Bus Inspection	May 31, 2002
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### Department of Revenue

#### Director of Revenue

12 CSR 10-24.190	Drivers License Retesting Requirements After a License, School Bus Permit or Temporary Instruction Permit Expires	October 10, 2002
12 CSR 10-24.326	Third Party Tester and Examiner Sanction and Hearing Guidelines	October 26, 2002
12 CSR 10-41.010	Annual Adjusted Rate of Interest	June 29, 2002

### Department of Social Services

#### Division of Family Services

13 CSR 40-30.020	Attorney Fees and Guardian <i>Ad Litem</i> Fees in Termination of Parental Rights Cases	August 22, 2002
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#### Missouri Board of Nursing Home Administrators

13 CSR 73-2.015	Fees	June 29, 2002
13 CSR 73-2.070	Examination	June 29, 2002

## Department of Health and Senior Services

### Office of the Director

19 CSR 10-4.040 Definition of a Public Health Setting . . . . .September 20, 2002

### Division of Administration

19 CSR 25-38.020 Laboratory Fee for Tuberculosis Testing . . . . .August 24, 2002

### Missouri Health Facilities Review Committee

19 CSR 60-50.200	Purpose and Structure . . . . .	June 29, 2002
19 CSR 60-50.200	Purpose and Structure . . . . .	June 29, 2002
19 CSR 60-50.300	Definitions for the Certificate of Need Process . . . . .	June 29, 2002
19 CSR 60-50.300	Definitions for the Certificate of Need Process . . . . .	June 29, 2002
19 CSR 60-50.310	Guidelines for Specific Health Services . . . . .	June 29, 2002
19 CSR 60-50.400	Letter of Intent Process . . . . .	June 29, 2002
19 CSR 60-50.400	Letter of Intent Process . . . . .	June 29, 2002
19 CSR 60-50.410	Letter of Intent Package . . . . .	June 29, 2002
19 CSR 60-50.420	Application Process . . . . .	June 29, 2002
19 CSR 60-50.420	Review Process . . . . .	June 29, 2002
19 CSR 60-50.430	Application Package . . . . .	June 29, 2002
19 CSR 60-50.430	Application Package . . . . .	June 29, 2002
19 CSR 60-50.440	Criteria and Standards for Hospital and Freestanding Health Services . . . . .	June 29, 2002
19 CSR 60-50.440	Criteria and Standards for Equipment and New Hospitals . . . . .	June 29, 2002
19 CSR 60-50.450	Criteria and Standards for Long-Term Care . . . . .	June 29, 2002
19 CSR 60-50.450	Criteria and Standards for Long-Term Care . . . . .	June 29, 2002
19 CSR 60-50.460	Criteria and Standards for Other Health Services and Emerging Technology . . . . .	June 29, 2002
19 CSR 60-50.460	Criteria and Standards for Evolving Technology . . . . .	June 29, 2002
19 CSR 60-50.470	Criteria and Standards for Financial Feasibility . . . . .	June 29, 2002
19 CSR 60-50.470	Criteria and Standards for Financial Feasibility . . . . .	June 29, 2002
19 CSR 60-50.480	Criteria and Standards for Alternatives . . . . .	June 29, 2002
19 CSR 60-50.500	Additional Information . . . . .	June 29, 2002
19 CSR 60-50.500	Additional Information . . . . .	June 29, 2002
19 CSR 60-50.600	Certificate of Need Decisions . . . . .	June 29, 2002
19 CSR 60-50.600	Certificate of Need Decisions . . . . .	June 29, 2002
19 CSR 60-50.700	Post-Decision Activity . . . . .	June 29, 2002
19 CSR 60-50.700	Post-Decision Activity . . . . .	June 29, 2002
19 CSR 60-50.800	Meeting Procedures . . . . .	June 29, 2002
19 CSR 60-50.800	Meeting Procedures . . . . .	June 29, 2002
19 CSR 60-50.900	Administration . . . . .	June 29, 2002
19 CSR 60-50.900	Administration . . . . .	June 29, 2002
19 CSR 90-1.010	Definitions . . . . .	August 27, 2002
19 CSR 90-1.020	Eligibility and Application Process . . . . .	August 27, 2002
19 CSR 90-1.030	General Payment Provisions . . . . .	August 27, 2002
19 CSR 90-1.040	Claimant's Responsibilities . . . . .	August 27, 2002
19 CSR 90-1.050	Process for Reenrollment into the Program . . . . .	August 27, 2002
19 CSR 90-1.060	Authorized Agent . . . . .	August 27, 2002
19 CSR 90-1.070	Program Identification Card . . . . .	August 27, 2002
19 CSR 90-1.080	Termination from the Program . . . . .	August 27, 2002
19 CSR 90-1.090	Appeal Process . . . . .	August 27, 2002
19 CSR 90-2.010	Definitions . . . . .	August 27, 2002
19 CSR 90-2.020	Eligibility and Application Process . . . . .	August 27, 2002
19 CSR 90-2.030	Responsibilities of Enrolled Participating Pharmacies . . . . .	August 27, 2002
19 CSR 90-2.040	Termination of Suspension from the Program . . . . .	August 27, 2002
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